UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOSE TRUJILLO, individually and on behalf of all others similarly situated, Plaintiff, v. APPLE COMPUTER, INC., a California Corporation, and AT&T, INC., a Texas Corporation, Defendants.	Case No. 07-CV-04946 Judge Kennelly

DEFENDANT APPLE INC.'S AGREED MOTION FOR ENTRY OF STIPULATED PROTECTIVE ORDER GOVERNING THE PRODUCTION OF CONFIDENTIAL BUSINESS INFORMATION

Defendant Apple Inc. (formerly known as Apple Computer, Inc.) ("Apple") requests, pursuant to Federal Rule of Civil Procedure 26(c), that the Court enter the attached Proposed Stipulated Protective Order agreed upon by Plaintiff Jose Trujillo and Apple.

The grounds in support of this motion are as follows:

1. This litigation relates to Apple's disclosures regarding the out-of-warranty battery replacement program for Apple's iPhone. The iPhone combines three products — a mobile phone, an iPod, and an Internet communications device with email, web browsing, searching and maps. Apple began selling the iPhone on June 29, 2007. The iPhone has received a great deal of attention in the public press, and the market for both cellphones and portable music players is highly competitive.

2. Discovery in this case may extend to confidential, proprietary and highly sensitive internal Apple documents related to the design and financial aspects of the iPhone.

3. Pursuant to the Court's Case Management Procedures, Apple has identified the specific categories of highly sensitive documents which necessitate confidential treatment. The categories are described in paragraph 8(a) of the attached Stipulated Protective Order as design and engineering specifications and testing, and proprietary sales, financial, and marketing information. The disclosure of such information would likely cause unnecessary damage and injury, and therefore good cause exists to limit public disclosure of this information.

4. These specific categories of information are not publicly disclosed by Apple, and Apple also takes internal measure to ensure the confidentiality of these types of information.

5. Disclosure of design and engineering specifications and testing for the iPhone would impair Apple's ability to compete in the cellphone/portable music player market and to protect its proprietary design and technology.

6. Disclosure of proprietary sales, financial and marketing information would also harm Apple's position with respect to its competitors, suppliers and vendors. The proprietary marketing information encompassed by the Agreed Protective Order would include detailed positioning and marketing plans, not any public materials.

7. The proposed protective order is reasonably required for the protection of the business information described in paragraph 3.

8. Plaintiff has agreed to the entry of the proposed protective order.

Dated: June 4, 2008

Respectfully submitted,

APPLE INC.

By: /s/Patrick T. Stanton
One of Its Attorneys

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